UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,753	06/05/2000	Eric Davison	205236	7824

23460	7590	11/25/2003

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EXAMINER
LIM, KRISNA

ART UNIT	PAPER NUMBER
2153	7

DATE MAILED: 11/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	09/587,753	DAVISON ET AL.
	Examiner	Art Unit
	Krisna Lim	2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

P riod for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>1</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 September 2003*.

2a)☐ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-35* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: .

1.   Restriction to one of the following inventions is required under 35 U.S.C.

121:

I.   Claims 1-11, drawn to a computer-readable medium having computer-

executable instructions for performing steps for directing data transfer in a

computer having a plurality of transport modules, the steps comprising: a)

receiving transport specific data from an application; b) determining at

least one of the plurality of transport modules with which the transport

specific data is associated; c) passing the transport specific data to said at

least one of the plurality of transport modules; and d) sending a transport

independent interface to the application, classified in class 719, subclass

311.

II.   Claims 12-16 and 22-35, drawn to a method to send at least one object

between a first device and at least one of a second device comprising the

steps of: a) creating a primary interface; b) finding the at least one of a

second device; c) connecting to the at least one of a second device

through a device interface; and d) commanding one of put command and

a get command to transfer the at least one object between the first device

and the at least one of a second device, classified in class 719, subclass

328.

III.   Claims 17-22, drawn to a method to provide a service to at least one
device, the method comprising the steps of: a) listening for an incoming connection; b)
receiving a service connection interface when an incoming connection is received, the
service connection interface for listening for incoming command requests; c) listening
for incoming command requests from the at least one device; d) receiving a command
structure when an incoming command request is received that describes the incoming
command request; and e) performing one of a read and a write operation in response to
the incoming command request, classified in class 719 , subclass 329.

Note: class 719, subclass 310-332, was new.

2.   Inventions I and II are related as subcombinations disclosed as usable together
in a single combination. The subcombinations are distinct from each other if they are
shown to be separately usable. In the instant case, invention I has separate utility such
as a computer-readable medium having computer-executable instructions for
performing steps for directing data transfer in a computer having a plurality of transport
modules that lacks the steps of: a) creating a primary interface; b) finding the at least
one of a second device; c) connecting to the at least one of a second device through a
device interface; and d) commanding one of put command and a get command to
transfer the at least one object between the first device and the at least one of a second
device. See MPEP § 806.05(d).

3.   Inventions I and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a computer-readable medium having computer-executable instructions for performing steps for directing data transfer in a computer having a plurality of transport modules that lacks the steps of: a) listening for an incoming connection; b) receiving a service connection interface when an incoming connection is received, the service connection interface for listening for incoming command requests; c) listening for incoming command requests from the at least one device; d) receiving a command structure when an incoming command request is received that describes the incoming command request; and e) performing one of a read and a write operation in response to the incoming command request.   See MPEP § 806.05(d).

4.   Inventions II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as a method to send at least one object between a first device and at least one of a second device that lacks the steps of: a) listening for an incoming connection; b) receiving a service connection interface when an incoming connection is received, the service connection interface for listening for incoming command requests; c) listening for incoming command requests from the at least one device; d) receiving a command structure when an incoming command request is received that describes the incoming

command request; and e) performing one of a read and a write operation in response to

the incoming command request.   See MPEP § 806.05(d).

5.   These inventions are distinct for the reasons given above, and the search

required for each Group is different and not co-extensive for examination purpose.

6.   For example, the searches for the two inventions would not be co-extensive

because these groups would require different searches on PTO's classification class

and subclass as following:

        (a) The Group I search (claims 1-11) would require use of search class 719,

subclass 311 (which would not required for the groups II and III).

        (b) The Group II search (claims 12-16 and 22-35) would require use of search

class 70, subclass 328 (which would not required for the groups I and III).

        c) The Group III search (claims 17-22) would require use of search class 719,

subclass 329 (which would not require for the groups I and III).

7.   Applicant is advised that the response to this requirement to be complete must

include an election of the invention to be examined even though the requirement is

traversed.

8. Applicant is reminded that the required for response to this requirement is **30 days,
not one month.**

9.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

        The references are cited in the Form PTO-892 for the applicant's review.

A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Krisna Lim whose telephone number is (703) 305-9672. The examiner can normally be reached on Monday-Friday from 9:00 to 5:30.
If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Mr. Glenton Burgess, can be reached at (703) 305-4772. The fax phone

number for the organization where this application or proceeding is assigned is (703)

872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9700

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [glen.burgess@uspto.gov].
All Internet e-mail communication will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirement of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Office Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

kl

November 19, 2003

KRISNA LIM
PRIMARY EXAMINER